

## **RULES AND PUBLIC POLICY COMMITTEE**

**DATE:** January 26, 2010

**CALLED TO ORDER:** 5:34 p.m.

**ADJOURNED:** 6:09 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Robert Lutz, Chairman  
Bob Cockrum  
Monroe Gray  
Barbara Malone  
Angela Mansfield  
Lincoln Plowman  
Joanne Sanders

#### ABSENT MEMBERS

Marilyn Pfisterer

### **AGENDA**

PROPOSAL NO. 20, 2010 - approves the Mayor's appointment of Olgen Williams as the Deputy Mayor for Neighborhoods

"Do Pass"

Vote: 7-0

#### REAPPOINTMENT OF SENIOR STAFF

General Counsel Robert Elrod

"Recommend"

Vote: 4-3

Chief Financial Officer James Steele

"Recommend"

Vote: 6-1

Assistant Clerks Angela Gonzalez and NaTrina Moffett

"Recommend"

Vote: 7-0

## **RULES AND PUBLIC POLICY COMMITTEE**

The Rules and Public Policy Committee of the City-County Council met on Tuesday, January 26, 2010. Chairman Robert Lutz called the meeting to order at 5:34 p.m. with the following members present: Bob Cockrum, Monroe Gray, Barbara Malone, Angela Mansfield, Lincoln Plowman, and Joanne Sanders. Marilyn Pfisterer was absent. General Counsel Robert G. Elrod represented Council staff.

PROPOSAL NO. 20, 2010 - approves the Mayor's appointment of Olgen Williams as the Deputy Mayor for Neighborhoods

Mr. Williams stated that it is an honor and privilege to serve such a great city, and it has been a wonderful experience and a great job. He said that the job can get frustrating and tiresome at times, but is still very exciting.

Councillor Sanders asked for a brief update about what is happening in the neighborhoods, especially as it relates to stimulus money. Mr. Williams said that the announcement today of \$22.9 million for streets and bridges will be a great thing for the city. He said that people often, however, do not understand that even though they announce that the dollars are forthcoming, they cannot actually spend it or begin projects until they actually receive the check. He said that previously, the Office of Sustainability received approximately \$8 million, with the Indianapolis Housing Agency also receiving \$5 to \$6 million, and they are beginning to spend those dollars. He said that some funds were received for the transitional jobs program, and they have issued a request for proposals (RFP) to hire a contractor to help in this effort to hire formerly incarcerated individuals, for which they received about \$3 million. With that money and the help of the Indianapolis Private Industry Council (IPIC), they were able to create jobs and provide some GED programs to increase the graduation rate. He said that they are trying to spend the stimulus dollars as quickly as they are received. He said that they also received funds for the Neighborhood Stabilization Program (NSP) and are working with Community Development Corporations (CDCs) to create more home-grown jobs, as the primary goal right now is to help citizens attain employment in these rough economic times. He said that with the announcement today, hopefully there will be more local opportunities for jobs, as the weather breaks, to begin some of these projects, by hiring people based on experience and skill levels. He said that they continue to work hard to obtain as much of the federal stimulus money as they can for the city in order to help improve infrastructure and create jobs. He said that with many of these dollars, there are strings attached, and so they are simply following the guidelines to make these dollars work for as many people as possible.

Councillor Malone asked about the NSP dollars and the communities those dollars are being used in. Mr. Williams said that stabilization dollars are being used on the eastside in the Near Eastside Community Organization (NESCO) area, around the Mapleton/Fall Creek area, on the west side in the Hawthorne area just north of the former Central State Hospital site around Seven Steeples, and another on the south side through

South East Neighborhood Development (SEND). Councillor Malone asked of the \$29 million, if \$22 million has been allocated to those four areas. Mr. Williams said that he believes there were actually six RFPs awarded, among which the total dollars were spread. Four of those were CDCs, which account for the previously mentioned four neighborhoods; and the Indianapolis Neighborhood Housing Partnership (INHP) also received some funds for home ownership projects. He said that he cannot recall off-hand the sixth group that received funds. Councillor Malone said that, as she recalls, there was still \$85 million of neighborhood stabilization dollars left at the state, and she asked if the city has received any of that money. Mr. Williams said that the city itself did not receive any of those dollars, but individual neighborhood groups were awarded approximately \$5 million of that money. Councillor Malone said that one of Mayor Greg Ballard's key initiatives throughout his administration has been crime prevention, and asked if that is still a priority in moving forward and building strong neighborhoods. Mr. Williams said that it definitely is still a priority. The neighborhoods are made up of people, and preventing crime is one of the key factors in quality of life. He said that without strong neighborhoods, they would not have a city. Councillor Malone said that she appreciates the work that Mr. Williams does.

Councillor Gray stated that recently in his community they were supposed to do a water project, but somehow the stimulus money disappeared. The project was then put on hold, and they had to find money from another source to come back and do the project. He asked what happened that caused this stimulus money to disappear. Mr. Olgen said that he is not sure what Councillor Gray means by disappeared and that he does not know to what specific area he is referring. Councillor Gray said that the money was promised, and then was suddenly no longer available for a project at 24<sup>th</sup> and Colvin. Mr. Williams said that he does not know the answer to that question off-hand, but he will inquire about it and get him an answer tomorrow. Councillor Gray stated that he appreciated the message Mr. Williams shared on Emancipation Day and it would have been good for everyone to hear. Mr. Williams said that he gets excited about what he does and being 61 years old, he experienced Jim Crow first-hand and feels the strides made should not be taken lightly, and the country should celebrate their diversity.

Councilor Malone asked about the census and how important it is in helping to keep neighborhoods safe and strong. Mr. Williams said that it is very important, and the Mayor is taking the census very seriously. He said that they are working closely with Congressman Andre Carson's office and 2010 Census co-chairs Amos Brown and Steve Smith and are committed to getting everyone counted. He said that no budget comes with the census, so there will be some bumps in the road, and they will have to find funds elsewhere for media and getting the word out. He said that they are meeting with schools and the business community and are talking about the census at every turn. He said that the census helps cities get dollars from the state and federal government, and right now, Indianapolis is ranked as the 13<sup>th</sup> largest city, with cities 11 through 19 being very close in numbers. If citizens do not return their census forms, it could result in Indianapolis dropping its rank, and those rankings are very closely tied to formulas from which federal and state dollars come. He said that there is a form of

mistrust of the government with regard to the census, in that people believe the government is tracking their every move. He said that they want to diffuse this notion and help people understand how very important it is for each household to answer these very simple 10 questions. He said that with the last census taking place 10 years ago, re-education is needed to look at the effects of the census in a broader way, and they will rely heavily on volunteers and pro bono donations to help push this agenda.

David Baird, Wayne Township Trustee, stated that he supports Mr. Williams' appointment, as he has been a great support and asset to the west side. He said that with so many neighborhoods suffering, Mr. Williams brings a light to this city, and his commitment is unquestioned.

Councillor Plowman thanked Mr. Williams for his work and responsiveness and moved, seconded by Councillor Cockrum, to send Proposal No. 20, 2010 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

Chairman Lutz echoed everyone's appreciative remarks and said that Mr. Williams has done a great job, and commended him especially on his efforts with Christamore House.

REAPPOINTMENT OF SENIOR STAFF – General Counsel Robert Elrod, Chief Financial Officer James Steele, and Assistant Clerks Angela Gonzalez and NaTrina Moffett

Chairman Lutz stated that all of the senior staff is in attendance this evening except for Mr. Steele, who spends most of his winter in Florida. He asked for consent to vote on the reappointments as a whole. Councillor Gray asked that Mr. Steele's reappointment be voted on separately. Councillor Mansfield asked that Mr. Elrod's reappointment be voted on separately. Chairman Lutz asked for consent to vote on the reappointment of the two Assistant Clerks together. Consent was given.

Councillor Mansfield thanked Assistant Clerks Angela Gonzalez and NaTrina Moffett for their work and for being responsive and patient with Councillors.

Chairman Lutz stated that when the Council does good things, the clerks make them look even better. He said that the clerks are responsible for putting all the agendas together and keeping track of all the paperwork, and Councillors could not do their work without them. He thanked them for all their efforts and professionalism.

Councillor Gray moved, seconded by Councillor Cockrum, to recommend the reappointment of Assistant Clerks Angela Gonzalez and NaTrina Moffett to the full Council. The motion carried by a vote of 7-0.

Chairman Lutz asked if there are any questions for Mr. Elrod regarding his reappointment.

Councillor Sanders asked how Mr. Elrod perceives his role in relationship to the Council. Mr. Elrod stated that he has been doing this job long enough that he feels he has a more than fair conception of what his duties are. He said that the Rules of the Council state that he is to represent the president, and there is a whole series of administrative tasks with respect to the preparation of proposals, upkeep of the Municipal Code, advice and drafting of legislation, and acting as parliamentarian during Council meetings. He said that he does his best to give an honest opinion when asked about procedure and to do so in a way that hopefully facilitates the process. He said that this is not always achievable in the political realm, and he does not always do it perfectly, but he tries his best.

Councillor Mansfield said that she has had some concerns over the past couple of years that when an opinion is asked for, Mr. Elrod sometimes seems to give a personal opinion rather than that of actual law. She said that she does not feel it is necessarily a partisan thing or a simple difference of opinion. She stated that recently Councillor McQuillen introduced legislation to allow for more meetings for Councillors. Mr. Elrod commented that this proposal had to be addressed in that particular year, because they could not change Councillor compensation in the subsequent year. She said that she asked for the part of the statute from which Mr. Elrod derived his opinion, and he did send it to her. She said that she and other counsel looked at this citation and it is really referring to salary and per diems, and not the number of meetings. She said that there is also a provision in their own rules which allows the Council as a whole to authorize a member of the Council to participate with pay on a board. She said that taken in totality, the setting of compensation was clear, and this proposal did not fall under that statute. She said that she hopes going forward that Mr. Elrod will be a little more thorough before responding and giving advice.

Chairman Lutz stated that any time an attorney gives an opinion on the law, it will not necessarily agree with every other attorney. He said that there are volumes of appeals based on varying opinions, and not everyone will agree with one attorney's opinions all the time. He said that Mr. Elrod has a wealth of experience in municipal law, and he places a great deal of value on his opinion.

Councillor Cockrum said that at one point in his career, he oversaw the legal staff as a part of his duties. He said that he learned that if he asked 10 lawyers for their opinion, he would not get a unanimous decision on anything, and there is a variance between lawyers on lots of different subjects. He said that he supports Mr. Elrod's experience in this arena.

Councillor Mansfield said that it does not seem to be just a difference of opinion, such as in an instance with the recent smoke-free proposal. Councillor Vaughn requested that an amendment be prepared by Mr. Elrod, and it was not done in the proper format, and was not consistent. The administration has been adamant about things being done consistently and properly, and this amendment should have been consistent.

Councillor Sanders said that she understands that there are always different opinions, but she has concerns about consistency across the board. She said that she understands that Mr. Elrod is often flying by the seat of his pants and asked to render an opinion without notice, but consistency seems to be lacking. She said that she realizes there is a wealth of institutional experience, but that does not give Mr. Elrod carte blanche. She said that everyone should be treated fairly relative to language submitted and information given, without an infusion of personal opinion into ordinances and resolutions.

Councillor Plowman said that he has known Mr. Elrod for a very long time, and he is also a constituent of his. He said that when he has gone to Mr. Elrod with a question or a proposal, he has at times told him things he did not want to hear. He said that sometimes he is told that he can draft it however he wants, but that it is not correct. He said that Mr. Elrod takes time to show him why he cannot do it a certain way because of the Council rules or laws. He said that Mr. Elrod has always been a straight shooter with him, whether he wanted to hear it or not. He added that Mr. Elrod does a good job as General Counsel and he would like to see him continue. He said that even outside of differing legal opinions, no one is perfect and able to make the correct judgment every time.

Councillor Cockrum moved, seconded by Councillor Plowman, to recommend the reappointment of General Counsel Robert Elrod to the full Council. The motion carried by a vote of 4-3, with Councillors Gray, Mansfield and Sanders casting the negative votes.

Chairman Lutz said that while he knows they usually prefer appointees to appear in person, Mr. Steele is extremely knowledgeable and well-known to the committee members. He said that Mr. Steele has served administrations on both sides of the aisle, and he would favor the committee moving forward with approval of his reappointment in his absence.

Councillor Sanders said that Mr. Steele did send an e-mail asking for consideration to be reappointed, and that goes a long way with her in showing that he recognizes this appointment is not an assumption to be made. She said that is one of the reasons she continues to push to make sure these recommendations come through this committee, as all appointees are subject to accountability. She said that she appreciates that Mr. Steele took the time to send the note. Chairman Lutz said that he also received the same note.

Councillor Plowman said that he has dealt with Mr. Steele for many years, even before he was on the Council. Even when Mr. Steele is not in town, he always responds in a timely fashion to his phone calls or e-mails. He said that normally, he would feel like this position needs to be filled by someone living in Indianapolis year-round, but Mr. Steele has never been inaccessible, and therefore he supports the reappointment.

Chairman Lutz said that Mr. Steele never has a negative word to say and always talks in a positive light. He added that he is a wealth of information and totally forthcoming.

Councillor Mansfield said that she cannot speak to the past two years, but in her first term as Councillor, Mr. Steele worked with them in a very bi-partisan manner to help solve funding issues. She agreed that he has always been very accessible and responsive.

Councillor Gray said that it will come as no surprise to Mr. Steele that he will be opposing his reappointment, in light of a letter sent to him by Mr. Steele at the end of the budget year when he was president of the Council.

Councillor Cockrum moved, seconded by Councillor Mansfield, to recommend the reappointment of Chief Financial Officer James Steele to the full Council. The motion carried by a vote of 6-1, with Councillor Gray casting the negative vote.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:09 p.m.

Respectfully Submitted,

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Robert Lutz, Chairman

RL/ag